Remarks

Applicants hereby add new claims 44-49 which are supported at least by the teachings of Fig. 1 and the associated teachings of the specification.

Referring to the 112, second paragraph rejections, Applicants respectfully refer to the teachings of the originally-filed specification at least at paragraphs 0031-0034 and respectfully submit the claims are definite to one of ordinary skill in the art.

35 U.S.C. §112, second paragraph, requires that the claims particularly point out and distinctly claim the subject matter that *the patent applicant regards as their invention*. "Distinctly" has been interpreted to mean simply that the claim must have a clear and definite meaning when construed in the light of the complete patent document. *Standard Oil Company v. American Cyanamid Company*, 774 F.2d 448, 227 USPQ 293 (Fed. Cir. 1985).

Applicant refers to MPEP §2173.02 (8th ed., rev. 7) which states the essential inquiry pertaining to a §112, second paragraph requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

(A) the content of the particular application disclosure;

(B) the teachings of the prior art; and

(C) the claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

In reviewing a claim for compliance with 35 U.S.C. §112, second paragraph, the Examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. §112, second paragraph by providing clear warning to others as to what constitutes infringement of the patent. MPEP §2173.02 (8th ed., rev. 7). A fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers and they can define in the claims what they regard as their invention essentially in whatever terms they choose. MPEP §2173.01 (8th ed., rev. 7).

Applicant submits that the claims are clear and definite on their face. Moreover, Applicants respectfully submit that one of ordinary skill in the art with

the opportunity to consider and review the contents of the application disclosure (at least paragraphs 0031-0034) pursuant to the above authority would clearly understand the language of the claims including the terms difference or differences.

Applicants respectfully request reconsideration and withdrawal of the 112, second paragraph, rejection.

Referring to the claim objections, and without admitting to the propriety of the objections, Applicants have amended the claims in an effort to further the prosecution of the application. Support for the amendments may be found at least at page 5, line 1 of the specification. Applicants respectfully submit the claims are proper and Applicants respectfully request reconsideration and withdrawal of the objections to the claims.

Referring to the 101 rejections, Applicants respectfully submit claims 1 and 16 meet the statutory requirements of 101 using the test set forth by the Office on page 2 of the Action and Applicants respectfully request reconsideration and withdrawal of the 101 rejection in the next Action.

In particular, claim 1 clearly transforms underlying subject matter by blending two images together to create a composite image and accordingly satisfies the test set forth by the Office on page 2 of the Office Action for statutory subject matter under 101. Similarly, claim 16 recites blending two images together to create a composite image and accordingly also satisfies the test set forth by the Office on page 2 of the Office Action. Furthermore, claim 16 recites warping the composite image further transforming the underlying subject matter and further complying with 101.

At page 3 of the Office Action, the Office states that Applicants has provided no explicit and deliberate definitions of "receiving," "analyzing" or "responding." The Office has failed to identify the use of any of these terms in any of the claims rejected under 101. In addition, Applicants have failed to uncover the usage of any of these terms in the claims.

Applicants respectfully submit the 101 rejection is in error for the above-mentioned reasons. Applicants respectfully request reconsideration and withdrawal of the 101 rejections in the next Action.

Referring to the prior art rejection of independent claim 1, the method recites *determining differences between the overlapping strips*. At page 6 of the Office

Action, the Office relies upon the teachings of paragraphs 0013 and 0060-68 of Mai as allegedly teaching the above-recited limitations. Applicants respectfully submit Kang and Mai, even if combined, fail to disclose positively-recited limitations of the claims and the 103 rejection is in error.

More specifically, paragraph 0013 of Mai pertains to the Summary of the Invention of Mai and fails to teach or suggest the claimed limitations of determining differences between the overlapping strips. Paragraphs 0060-68 of Mai further discuss the teachings of paragraph 0013 of the Summary of the Invention of Mai but also fail to teach or suggest the limitations. More specifically, these teachings disclose a correlation matrix which scales pixel values of the secondary image so that the average intensity of the overlapping area of the secondary image becomes identical to the average intensity of the overlapping area of the reference image. However, the teachings in paragraphs 0060-68 fail to teach or suggest that differences between the overlapping areas of the reference image and secondary image are calculated or otherwise determined which fails to teach the claimed limitations.

Applicants also note that the Office relies upon the teachings of Kang at page 7 of the Office Action as allegedly teaching dividing the two images into strips or selecting a strip in each of the two images where the two images overlap each other. However, the Office fails to point to any teachings that Kang *determines differences between the overlapping strips* as claimed.

Applicants respectfully submit that positively-recited limitations of the claims are not disclosed nor suggested by the prior art even if the references are combined.

Furthermore, claim 1 recites *blending the two images together along the minimized line to create a composite image*. The teachings in paragraphs 0007, 0012, and 0029 of Mai fail to disclose or suggest the claimed blending of images along a line through the overlapping strips where the differences between the two overlapping strips are minimized which fails to teach or suggest the limitations of *blending the two images together along the minimized line to create a composite image* in combination with the limitations of determining a minimized line through the overlapping strips where the differences between the overlapping strips are minimized.

Applicants respectfully submit that the above-recited limitations of claim 1 are not disclosed nor suggested by the prior art and the 103 rejection of claim 1 is in error for this additional reason.

Applicants respectfully request reconsideration and withdrawal of the 103 rejection for at least the above-mentioned reasons.

Referring to independent claim 16, the method recites *determining a minimized line through the selected overlapping strips where differences between the selected overlapping strips are minimized.*

Applicants respectfully submit the above-recited limitations are not disclosed nor suggested by the prior art references taken alone or in combination.

At page 22 of the Office Action, the Office relies upon the teachings in Fig. 3C and col. 5, line 25 of Peterson as allegedly teaching the above-recited limitations. However, the dividing line determiner 54 of Peterson determines a pair of points 76, 78 where the images intersect and defines a line 80 that divides the outline into two sections. Referring to Fig. 3A (step 214), Peterson merely teaches that the *two intersection points that are furthest apart from each other are used to define the dividing line 80* per col. 5, lines 34+ with no teaching of the claimed limitations of *determining a minimized line through the selected overlapping strips where differences between the selected overlapping strips are minimized* as claimed.

Furthermore, at page 41 of the "Response to Arguments" section of the Office Action, the Office fails to identify any teachings in the prior art which disclose the positively-claimed limitations of *determining a minimized line through the selected overlapping strips where differences between the selected overlapping strips are minimized* further illustrating the improper nature of the 103 rejection.

Applicants respectfully submit that positively-recited limitations of claim 16 are not disclosed nor suggested by the prior art combination including Peterson even if the references are combined and the 103 rejection of claim 16 is in error for at least this reason.

Referring to the rejection of claim 16 on page 39 of the Office Action, Applicants respectfully submit the teachings of Takiguchi of Fig. 5 including the application software 504 and unit 517 and the teachings at col. 11, line 62 fail to disclose or suggest the claimed limitations of *selecting the overlapping strips which*

have reduced error between the overlapping strips compared with non-selected overlapping strips.

Applicants respectfully submit the combination of Mai, Kang and Takiguchi fails to teach or suggest the above-recited limitations even if the numerous references are combined and the 103 rejection is in error for at least this reason.

Referring to independent claim 21, the system comprises a *computer configured to determine a line through the overlapping strips where the sum of the pixel difference values between the overlapping strips is minimized*.

Applicants respectfully submit the above-recited limitations are not disclosed nor suggested by the prior art references taken alone or in combination.

Referring to page 26 of the Office Action, the Office relies upon Peterson teachings of the dividing line determiner 54, and the teachings in col. 15, lines 17 + and Figs. 3C and 3C-1 as allegedly teaching the above-recited limitations. The disclosed dividing-line determiner 54 determines a pair of points 76, 78 where the images intersect and defines a line 80 that divides the outline into two sections. Referring to Fig. 3A (step 214), Peterson merely teaches that the two intersection points that are furthest apart from each other are used to define the dividing line 80 per col. 5, lines 34 + with no teaching of the limitations of the *computer configured to determine a minimized line through the overlapping strips where the sum of the pixel difference values between the overlapping strips is minimized*. Furthermore, the teachings of Figs. 3C and 3C-1 regarding the line 80 and subsequent processing thereof in the transition band 104 corresponding to the already selected line 80 fail to disclose the above-recited limitations.

At page 42 of the "Response to Arguments" section of the Office Action, the Office fails to identify any teachings in the prior art which disclose the above-recited limitations and which further illustrates the improper nature of the 103 rejection.

Applicants respectfully submit that positively-recited limitations of claim 16 are not disclosed nor suggested by the prior art references even if the references are combined and the 103 rejection of claim 16 is in error for at least this reason.

Referring to independent claim 26, the Office at page 31 of the Office Action relies upon teachings of Peterson in support of the rejection. Applicants respectfully submit that the disclosed dividing-line determiner 54 of Peterson which

determines a pair of points 76, 78 where the images intersect and which are the farthest apart from each other and defines a line 80 that divides the outline into two sections and the teachings of Figs. 3C and 3C-1 regarding the line 80 and subsequent processing thereof in the transition band 104 corresponding to the already selected line 80 fail to disclose the positively-recited limitations of *means for determining a cut line through the two images where the difference values are minimized*.

The "Response to Arguments" section of the Office Action also fails to identify any teachings in the prior art which disclose the above-recited limitations and further illustrates the improper nature of the 103 rejection.

Applicants respectfully submit that positively-recited limitations of claim 26 are not disclosed nor suggested by the prior art and the 103 rejection of claim 26 is in error for at least this reason.

Referring to independent clam 27, the Kang teachings of the application programs 145, other program modules 146, images 200, paragraph 0058 and the image warping module 230 are void of teaching or suggesting the claimed limitations of *a second computing module calculating difference values between the pixels of the two images in the at least one region of overlap*.

Applicants respectfully submit the 103 rejection of claim 27 is in error for at least this additional reason.

The teachings in paragraph 0057 of Kang are void of teaching or suggesting the claimed limitations that *the difference values individually correspond to a difference of image data content between a pair of corresponding pixels of the two images*.

Applicants respectfully submit the 103 rejection of claim 27 is in error for at least this reason.

The generic teachings of references 145, 146 and the image warping module 230 fail to teach or suggest the claimed limitations of a *third computing module determining a cut line through the two images where the difference values are minimized*.

Applicants respectfully submit that numerous positively-recited limitations of claim 27 are not disclosed nor suggested by the prior art and the 103 rejection is in error.

The "Response to Arguments" section of the Office Action also fails to identify any teachings in the prior art which disclose the above-recited limitations and further illustrates the improper nature of the 103 rejection.

Referring to independent claim 33, the claim recites *determining differences between the overlapping strips* and *blending the two images together along the minimized line to create a composite image*. Applicants respectfully submit Kang and Mai, even if combined, fail to disclose the above-recited limitations of the claims and the 103 rejection is in error.

Paragraphs 0060-68 of Mai further discuss the teachings of paragraph 0013 of the Summary of the Invention of Mai and disclose a correlation matrix which scales pixel values but fails to teach or suggest that differences between the overlapping areas of the reference image and secondary image are calculated or otherwise determined which fails to teach the claimed limitations of determining differences between the overlapping strips. Applicants also
note Kang fails to teach *determining differences between the overlapping strips* as claimed.

Applicants respectfully submit the 103 rejection is in error for at least this reason.

Furthermore, the teachings in paragraphs 0007, 0012, and 0029 of Mai fail to disclose or suggest the claimed limitations of *blending the two images together along the minimized line to create a composite image* in combination with the limitations of determining a minimized line through the overlapping strips where the differences between the overlapping strips are minimized.

Applicants respectfully submit that the above-recited limitations of claim 33 are not disclosed nor suggested by the prior art references even if the references are combined.

Applicants respectfully request reconsideration and withdrawal of the 103 rejection for at least the above-mentioned reasons.
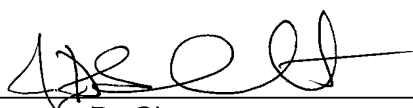
The pending dependent claims are in condition for allowance for the reasons discussed above with respect to the respective independent claims from which they depend as well as for their own respective features which are neither shown nor suggested by the cited art

Applicants respectfully request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,
D. Amnon Silverstein et al.

By: _____
James D. Shaurette
Reg. No. 39,833
Date: ___6/18/09___